

ESTTA Tracking number: **ESTTA579751**

Filing date: **01/02/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212640
Party	Defendant STARTS CC, INC.
Correspondence Address	STEVEN J. NATAUPSKY KNOBBE, MARTENS, OLSON & BEAR, LLP 2040 MAIN ST FL 14 IRVINE, CA 92614-8214 UNITED STATES efiling@knobbe.com
Submission	Answer
Filer's Name	Steven J. Nataupsky
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Signature	/Steven J. Nataupsky/
Date	01/02/2014
Attachments	2014-01-02 Answer to Opposition-STARBUF.024M.PDF(141185 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Buffets, Inc.,

Opposer,

v.

STARTS CC, INC.,

Applicant.

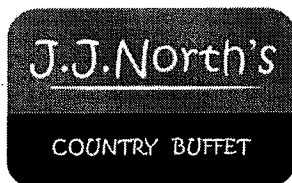
U.S. Opposition No.: 91212640

**ANSWER AND AFFIRMATIVE DEFENSE TO NOTICE OF
OPPOSITION**

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

STARTS CC, INC. ("Applicant") hereby answers the Notice of Opposition filed by Buffets, Inc. ("Opposer") against U.S. Trademark Application Serial No. 85/802,394 for the



mark

as set forth below.

Answer to Grounds of Opposition

1. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 1 and therefore denies them.

2. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 2 and therefore denies them.

3. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 3 and therefore denies them.

4. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 4 and therefore denies them.

5. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 5 and therefore denies them.

6. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 6 and therefore denies them.

7. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 7 and therefore denies them.

8. Applicant admits the allegations contained in Paragraph 8.

9. Applicant admits the allegations contained in Paragraph 9.

10. Applicant admits the allegations contained in Paragraph 10.

11. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 11 and therefore denies them.

12. Applicant denies the allegations contained in Paragraph 12.

13. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 13 and therefore denies them.

14. Applicant admits the allegations contained in Paragraph 14.

15. Applicant denies the allegations contained in Paragraph 15.

16. Applicant denies the allegations contained in Paragraph 16.

17. Applicant denies the allegations contained in Paragraph 17.

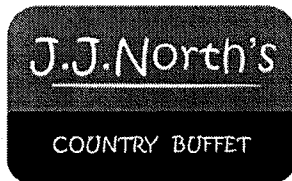
Affirmative Defense

Applicant alleges the following affirmative defense. There may be additional affirmative defenses to the claims alleged by Opposer that are currently unknown to Applicant. Applicant therefore reserves the right to amend its Answer to allege additional affirmative defenses in the event that discovery of additional information indicates that they are appropriate.

First Affirmative Defense

Opposer's purported marks are descriptive and lack secondary meaning.

WHEREFORE, Applicant requests that Opposer's Notice of Opposition be dismissed in its entirety, and that Applicant's U.S. Trademark Application Serial No. 85/802,394 for the



mark be registered.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 2, 2014

By: _____

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Attorneys for Applicant, STARTS CC, INC.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **ANSWER AND AFFIRMATIVE DEFENSE TO NOTICE OF OPPOSITION** upon Opposer's counsel, by depositing copies thereof in the United States Mail, first-class prepaid, on January 2, 2014, addressed as follows:

Ryan R. Palmer
Monroe Moxness Berg PA
8000 Norman Center Drive, Suite 1000
Minneapolis, MN 55437


Amber Molle

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